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Marilyn Burgess - District Clerk Harris County

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By: Jennifer Ochoa

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CAUSE NO. 2013-41273

OSAMA ABDULLATIF, Individually,
and ABDULLATIF & COMPANY, LLC*Plaintiffs,*

v.

ALI CHOUDHRI and HOUSTON
REAL ESTATE PROPERTIES, LLC*Defendants.*§
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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

334th DISTRICT COURTP. 6
AMFJX**FINAL JUDGMENT**

On January 6, 2020, the Court in this Cause entered an Order Granting Plaintiffs' Motion to Sell Properties Free of Lien as to the nine (9) properties owned by Plaintiff Abdullatif¹ and described as Tracts 1-9 as set forth in the Affidavit of Lien filed by Choudhri in the real property records of Harris County, Texas on April 16, 2013, under Clerk's File No. 20130178411 ("Lien Affidavit"). Pursuant to the January 6, 2020 Order the monies realized from the subsequent sale of seven (7) of the Properties was placed into the registry of the Court. As of August 19, 2022, the monies in the registry of the Court totaled \$1,796,960.76 and continues to accrue interest daily.

On August 8, 2022, this cause came on to be heard and Osama Abdullatif ("Abdullatif") and Abdullatif & Company LLC ("ACLLC"), Plaintiffs, appeared in person and by its representative and by attorney of record and announced ready for trial. Defendants, Ali Choudhri ("Choudhri") and Houston Real Estate Properties, LLC ("HREP") appeared in person and by its representative and by and through attorney of record. A jury having been previously demanded, consisting of twelve (12) qualified jurors, was duly empaneled and the case proceeded to trial.

¹ The nine (9) properties described in the Motion to Sell Properties Free of Lien are hereinafter referred to as the "Properties".

Following an eight (8) day trial, on August 19, 2022 the jury returned an eleven to one (11-1) verdict in the favor of Plaintiffs Abdullatif and ACLLC and against Defendants Choudhri and HREP finding that: (1) Choudhri had committed fraud against Abdullatif; (2) HREP had committed fraud against Abdullatif; (3) Choudhri had filed a fraudulent lien or claim against The Properties; (4) Choudhri had filed a fraudulent lien against a property owned by ACLLC (the “ACLLC Property”);² (5) Abdullatif and Choudhri did not enter into a promissory note dated February 10, 2010 in the principle amount of \$1,500,000.00, an annual interest rate of 8%, a maturity date of February 9, 2012, and an annual interest rate of 18% on matured, unpaid amounts as asserted in Defendants’ counterclaim.

In accordance with the Court’s Order dated January 6, 2020 and the jury’s verdict, the Court enters the following Final Judgment:

It is **ORDERED, ADJUDGED, AND DECREED** that Abdullatif shall have and recover judgment from Choudhri and HREP, jointly and severally, the sum of \$1,678,000.00 for Choudhri and HREP’s fraud committed against Abdullatif, together with prejudgment interest at the statutory rate of five percent (5%) interest, calculated based on when the actual damages were incurred as of July 15, 2013, and continuing on a bi-annual basis beginning December 31, 2013 and continuing up to and including the day preceding the Final Judgment as of September 15, 2022, is \$533,155.42 with a per diem interest amount of \$229.86.

² The ACLLC Property was identified as Tract 10 in the Lien Affidavit and is known by the street address of 5445 Alameda Road in Houston, Texas.

Period End Date	Amt of Damages as of Period End Date	1 year of Interest at 5%	Per Day Interest for the Year	# days in this Period	Total Prejudgment Interest for this 6 months period
July 15, 2013	\$ 298,039.81				
12/31/2013	\$ 473,100.13	\$ 23,655.01	\$ 64.81	168	\$ 10,887.78
6/30/2014	\$ 533,303.14	\$ 26,665.16	\$ 73.06	181	\$ 13,223.00
12/31/2014	\$ 644,770.74	\$ 32,238.54	\$ 88.32	184	\$ 16,251.76
6/30/2015	\$ 696,450.85	\$ 34,822.54	\$ 95.40	181	\$ 17,268.16
12/31/2015	\$ 747,125.85	\$ 37,356.29	\$ 102.35	184	\$ 18,831.67
6/30/2016	\$ 857,932.02	\$ 42,896.60	\$ 117.52	181	\$ 21,272.01
12/31/2016	\$ 957,196.75	\$ 47,859.84	\$ 131.12	184	\$ 24,126.60
6/30/2017	\$ 1,013,739.75	\$ 50,686.99	\$ 138.87	181	\$ 25,135.19
12/31/2017	\$ 1,129,729.38	\$ 56,486.47	\$ 154.76	184	\$ 28,475.37
6/30/2018	\$ 1,178,804.38	\$ 58,940.22	\$ 161.48	181	\$ 29,227.89
12/31/2018	\$ 1,291,623.03	\$ 64,581.15	\$ 176.93	184	\$ 32,555.98
6/30/2019	\$ 1,374,931.29	\$ 68,746.56	\$ 188.35	181	\$ 34,090.76
12/31/2019	\$ 1,513,165.31	\$ 75,658.27	\$ 207.28	184	\$ 38,140.06
6/30/2020	\$ 1,587,770.98	\$ 79,388.55	\$ 217.50	181	\$ 39,368.02
12/31/2020	\$ 1,658,478.58	\$ 82,923.93	\$ 227.19	184	\$ 41,802.75
6/30/2021	\$ 1,661,884.96	\$ 83,094.25	\$ 227.66	181	\$ 41,205.64
12/31/2021	\$ 1,665,842.53	\$ 83,292.13	\$ 228.20	184	\$ 41,988.36
6/30/2022	\$ 1,678,000.00	\$ 83,900.00	\$ 229.86	181	\$ 41,605.21
7-1 to 9-15	\$ 1,678,000.00	\$ 83,900.00	\$ 229.86	77	\$ 17,699.22
TOTAL PREJUDGMENT INTEREST					\$ 533,155.42

It is further **ORDERED, ADJUDGED, AND DECREED** that Abdullatif shall have and recover judgment from Choudhri the sum of \$1,739,655.50 plus any accrued interest for Choudhri's filing of a fraudulent lien against the Properties, together with prejudgment interest at the statutory rate of five percent (5%) interest, beginning on July 15, 2013, and up to and including the day preceding the signing of a Final Judgment in this case. As of September 15, 2022, prejudgment interest is \$801,198.22 with a per diem interest amount of \$238.31.

It is further **ORDERED, ADJUDGED, AND DECREED** that ACLLC shall have and recover judgment from Choudhri the sum of \$10,000.00 constituting the statutory damages as set forth by TEX. CIV. PRAC. & REM. CODE § 12.002(b)(1)(A) arising from Choudhri's filing a fraudulent lien against the ACLLC Properties, together with prejudgment interest at the statutory rate of five percent (5%) interest, beginning on July 15, 2013, and up to and including the day preceding the signing of a Final Judgment in this case. As of September 15, 2022, prejudgment interest is \$4,584.94 with a per diem interest amount of \$1.37.

It is further ORDERED, ADJUDGED, AND DECREED that Abdullatif shall have and recover judgment from Choudhri the sum of \$455,359.00 in attorney's fees and costs expended in successfully prosecuting his claims for statutory fraud and filing a fraudulent lien. In addition, Abdullatif shall have and recover judgment from Choudhri in the following amounts for post-trial motion practice and appeal:

- \$60,000 for representation in responding to a Motion for a New Trial;
- \$100,000 for representation through Defendants' unsuccessful appeal to the Texas Court of Appeals;
- \$50,000 for representation at the petition for review stage in the Supreme Court of Texas;
- \$100,000 for representation at the merits briefing stage in the Supreme Court of Texas; and
- \$60,000 for representation through oral argument and the completion of proceedings in the Supreme Court of Texas.

It is further ORDERED, ADJUDGED, AND DECREED that ACLLC shall have and recover judgment from Choudhri the sum of \$291,550.00 in attorney's fees and costs expended in successfully prosecuting its claims for filing a fraudulent lien. In addition, ACLLC shall have and recover judgment from Choudhri in the following amounts for post-trial motion practice and appeal:

- \$60,000 for representation in responding to a Motion for a New Trial;
- \$100,000 for representation through Defendants' unsuccessful appeal to the Texas Court of Appeals;
- \$50,000 for representation at the petition for review stage in the Supreme Court of Texas;
- \$100,000 for representation at the merits briefing stage in the Supreme Court of Texas; and
- \$60,000 for representation through oral argument and the completion of proceedings in the Supreme Court of Texas.

It is further ORDERED, ADJUDGED, AND DECREED that Choudhri shall take nothing on his Counterclaim for breach of promissory note claim.

It is further ORDERED, ADJUDGED, and DECREED that Abdullatif is entitled to immediate receipt of all of the funds in the registry of the Court, including but not limited to any accrued interest on said funds representing the proceeds from the sale of seven (7) of the Properties and the Harris County District Clerk is hereby ORDERED to pay all of the money in the registry of the Court plus any accrued interest to Abdullatif within three (3) days from the entry of this Final Judgment notwithstanding any filed or anticipated appeals;

It is further ORDERED, ADJUDGED, and DECREED that as a result of the jury verdict and this Judgment the procedures and restrictions for sale of the Properties as set forth in the January 6, 2020 Order, is no longer necessary and therefore the January 6, 2020 Order is no longer enforceable and is hereby rescinded. Abdullatif may sell the remaining two (2) of the Properties in the normal course of business without any restriction imposed by the January 6, 2020 Order.

It is further ORDERED, ADJUDGED, and DECREED that any and all liens, encumbrances, or claims against the real property and improvements identified in that certain Lien Affidavit, are hereby invalidated, nullified, unenforceable and declared void *ab initio*.

It is further, ORDERED, ADJUDGED AND DECREED that any claim to title, lien or encumbrance against the Properties by Choudhri or HREP is of no force and effect; and title to the Properties is quieted in favor of Abdullatif against any claim of Choudhri or HREP.

It is further ORDERED, ADJUDGED, and DECREED that any claim to title, lien or encumbrance against the ACLLC Property by Choudhri or HREP is of no force and effect; and title to the ACLLC property is quieted in favor of ACLLC against any claim of Choudhri or HREP.

It is further ORDERED, ADJUDGED, and DECREED that, upon the signing of this Final Judgment, Choudhri shall immediately prepare and file a full and complete release of the Lien Affidavit in the real property records of Harris County, Texas for the purpose of removing any and all liens, encumbrances, or claims against the Properties and the ACLLC Property and, for every day Choudhri fails to file such release or releases, ~~he shall be fined in an amount of no less than \$5,000 dollars a day beginning the day following the signing of this Final Judgment.~~

It is further ORDERED, ADJUDGED, AND DECREED that Abdullatif and ACLLC shall have and recover judgment in the form of post-judgment interest at the maximum rate permitted under the law from Choudhri and HREP.

This is a final, appealable judgment.

SIGNED September __, 2022.

Signed: 
11/21/2022
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The Honorable Judge Dawn Rogers
334th Judicial District Court of Harris County

AGREED AS TO FORM:

MCCATHERN HOUSTON

By: /s/ Rodney Drinnon
Rodney L. Drinnon
Texas Bar No. 24047841
rdrinnon@mccathernlaw.com
2000 West Loop S., Suite 1850
Houston, Texas 77027
Tel. (832) 533-8689
Fax (832) 213-4842

ATTORNEY FOR PLAINTIFF
ABDULLATIF & COMPANY, LLC

AMENDED ON 12/30/22

Judge Presiding